IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

Criminal Writ Petition No. 487 of 2007 (M/B)

Brijesh Sharma S/o Sri Sriniwas Sharma,
State Manager,
Capital State Management Company,
Gayatri Lok Apartments, Bye Pass Road,
Kankhal, Haridwar. …….. Petitioner

Versus

1. State of Uttarakhand,
through Senior Superintendent of Police,
Haidwar, District Haridwar.
2. Station House Officer,
Police Station Kankhal,
District Haridwar.
3. Parmjeet Singh S/o Surender Singh,
Neel Metal Products Ltd.,
Plot No. 4-6, 1-16, Sector 5,
I.I.E. Haridwar. ……. Respondents

Mr. Anurag Bisaria, Advocate for the petitioner.
Mr. G.S. Sandhu, Government Advocate for respondent Nos. 1 & 2.

JUDGMENT

Coram: Hon'ble Rajeev Gupta, C.J.
Hon'ble J.C.S. Rawat, J.

RAJEEV GUPTA, C.J. (Oral)

Mr. Anurag Bisaria, Advocate for the petitioner.

Mr. G.S. Sandhu, Government Advocate for respondents Nos. 1 & 2.

They are heard on admission.

2. Petitioner Brijesh Sharma has filed this writ petition for the following reliefs:

> "(a) To issue a writ, order or direction in the nature of certiorari to quash the impugned first information report dated 24.04.2007 registered as case crime no. 84 of 2007 under section 341/504/506/352 IPC at P.S. Kankhal, District Haridwar.
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> (b) To issue a writ, order or direction in the nature of mandamus commanding the respondents not to

arrest the petitioner during the pendency of the aforesaid writ petition."

3. The petitioner is seeking quashing of the First Information Report lodged by respondent No. 3 Parmjeet Singh leading to the registration of the case against the petitioner at Crime No. 84 of 2007 at Police Station Kankhal, District Hairdwar for the alleged commission of the offences punishable under Sections 341, 352, 504 and 506 of the I.P.C.

4. On due consideration of the submissions of the learned counsel for the parties; the contents of the First Information Report; the material available in the police case diary; and in view of the dictum of the Apex Court in the case of **T. Vengama Naidu Vs. T. Dora Swamy Naidu & others** reported in **JT 2007(4) SC 240**, we do not find any ground warranting quashing of the First Information Report and the case registered against the petitioner, which is at investigation stage**.**

5. We are refraining from commenting on the merits of the case lest it may adversely affect the petitioners' case at the trial, which the petitioners is yet to face.

6. The writ petition, therefore, is liable to de dismissed and is hereby dismissed summarily.

(J.C.S. Rawat, J.) **(Raveej Gupta, C.J.)**
09.05.2007 09.05.2007

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